

COUNCIL MINUTES
MAY 28, 2014

The City Council held a meeting on Wednesday, May 28, 2014, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Fred Rowley; Don Marchant.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Paul Irons; Leisure Services Director Dan Rodgerson; Economic Development Director Brennan Wood;

OTHERS PRESENT: Terry Irons, Deniece Allred, Jim McConnell, Brent Drew, Thomas Pugh, Jennie Hendricks, Reed Smith, Keir Wolfley, Chris Barber, Holly Coombs, Kevin Robison, Doug Hall, Tracie Sullivan.

CALL TO ORDER: Pastor Bob of the Trinity Lutheran Church gave the opening prayer; the pledge of allegiance was led by Fire Chief Paul Irons.

AGENDA ORDER APPROVAL: Councilmember Marchant moved to approve the agenda order; second by Councilmember Rowley; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Cozzens – how are we coming on our water, I still see a few businesses and residents watering through the day. Rick – I don't know about the warnings, I will check with Kathy and let you know. I contacted a few businesses today; we are taking a friendly approach. Rowley – what is the response? Rick – I have asked them to have their landscape people reset the timers and it has gone well. ■Marchant – I want to commend the City Employees, especially the Cemetery personnel this week. Wally and his crew for their extra effort after the storm are to be commended; the cemetery looked really good for Memorial Day. I had several say that it was much better than they expected. ■Mayor – we were on a phone conversation with a gentleman from DC and he has never been to such a well maintained community, and stated how nice our community was. ■Rick – last week you brought up to look at the Coal Creek overpass, Jim McConnell agreed to come and talk with you about that. ■Coal Creek Overpass – Jim McConnell of UDOT: I sent a rule to have put in your packet about maintenance and care of local highways in respect with intersections or junctions where city or county streets comes into overpasses, etc. The last page talks about where the State Route crosses under a bridge. This bridge was built in the 60's when the interstate was brought through. It is still in good shape and stable. I understand you want to talk about widening, that is a little different than maintenance. Black – my issue is more with the west egress. Jim – R918-6-6, see exhibit "A", it basically boils down to the fact that it is a city street. Rowley – you take care of the structure, we maintain everything that goes over it. What happens if it is inadequate for the traffic that goes over it? Jim – off

system bridge funds are rehab or replacement in kind. If it fails to meet our standards we can use our funds, but not for widening. Safety issues are a little different; anything attached to the bridge is part of the funds. Marchant – who determines the safety? Jim – we have a safety team headed by Robert Dowell in Richfield, he is responsible for all the safety in the region. It is accident history, substandard issues on the bridge. Parapet is not up to standard, the rail is curved, bounces you back into the lane, but if you get on top of it you could go over it, but this is a low speed bridge. It is only 28 feet curb to curb, it is a narrow bridge. Another issue is there is no sidewalk across it, but there is not a sidewalk leading up to it either. We have more people looking at other forms of transportation and that comes to the forefront on safety. Part of the safety bridge funds, there is no widening unless it is functionally obsolete, a study determination with traffic flow, stability, design, etc. I can't say if it is functionally obsolete or not. We don't have a lot of accidents on that bridge. I asked about choke capacity funds for traffic congestion, etc. they are like the climbing lanes on the Black Ridge, there are others coming on line, and that helps quite a bit with the truck traffic on I-15. Another thing I investigate is accident safety, Robert said there are possible safety enhancement funds, the HSI and SSIP funds, HSI are federal, SSIP are state funds. Robert suggested that the City look at the safety issues, accident history, a lot of times to qualify it requires severe accidents or fatality due to the narrow bridge. The functional class system, attached as Exhibit "B", Coal Creek Road, Hwy 1773 is a primary collector and would qualify for Joint Highway Committee funds. If the City wants to look at what funding we can pull together to improve the bridge, the application period is the first of October to the 2nd week in January. You have other local roads you may want to apply for that may take precedence. Black – is that still just the bridge funding? Jim – no, if it is substandard the accidents can help get the funding. Where it comes down on Bulldog Road it would necessitate widening and right-of-way purchases, it would almost make a double intersection. Rowley – John, is there something that brought the concern to you? Black – two or three businesses in the area and some pedestrian issues. Marchant – what determines curvatures? Jim – when I-15 was built in the 60's there was not a lot on the west side, basically the Airport. Western Rock was in its infancy, the Airport and sewer lagoons were all that was there, Bulldog was a farm road, so when I-15 was built it was logical to take it to the farm road. We have grown considerably since that time. Kit – on Joint Highway Committee funds, we have a \$1 million grant available for us from Small Urban for Coal Creek Road to the overpass, but does not include the overpass. We can ask for additional funds. Black – I don't see the businesses on the west side going away or getting smaller. We haven't had many accidents thankfully, but it will not go away. And it is the only cross over on that end of town. Jim – there are a few other options, it could be obsolete, it could be skewed to realign, but it is a heavy expenditure, the issue is the cost of the structure, \$100,000 to tear down and \$4-\$5 million to build a new structure. Rowley – would it be within UDOT rules to add to a bridge that old, if it were to be doubled in size? Jim – we would have to look at a cost benefit analysis, how many lanes, the width of lanes, the longevity, etc. or would it be better to tear down. Cozzens – The Central Iron County Water Conservancy District is looking at the Guard to do settling ponds. Jim – you could have it come into Kitty Hawk instead of Bulldog if you leave the existing bridge. Black – I hope we continue to study it even though it won't happen tomorrow. Marchant – we want to work with UDOT on improving that, it is the

only access until you get to Loves Truck Stop for commercial traffic. Jim – as we get more development in the Valley it will increase traffic. North south traffic in Cedar is limited, the more we can get the better. We would like to try and partner with the City as much as we can.

PUBLIC COMMENTS: ■Grifols Presentation: Chris Barber, GM of the northwestern US of Grifols. We are Spanish owned pharmaceutical that produces clotting factors for people that can't clot. We are in plasma operations, with 150 blood plasma centers in the US and look forward to building one in Cedar City. Keir Wolfley, will move from Provo and Reed Smith is another manager in Utah. We are working with the Governor's Office of Economic Development. We are looking at 24-25 jobs, break ground in August. We had good conversations with Brennan and the local SWATC to work with them. We are looking for ways to support the community; we are looking to participate in Tour of Utah and other things. Marchant – I have had the opportunity to visit with you and welcome you into the community. Rowley – what would I get for donation? Barber – it varies, but around \$75 if you donate two times in a week, it takes about 1.5 hours. We administer saline after you donate to hydrate you. There are a few patients that live here locally and are appreciative. Rowley – where is it taken for processing? Chris – it stays on site until screening and then California or Raleigh, NC. If we have an outage we can pack with dry ice and keep it cold enough for 24 hours. Wolfley – I hope to be here by August, I have an offer on a home. ■Mayor – Scott Jolley will be here, he had a previous engagement, and we will allow him to talk when he gets here.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED MAY 7, 12, 13, & 14, 2014; (2) APPROVAL OF BILLS DATED MAY 22, 2014 ; (3) APPROVE AN AMENDMENT TO THE 2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – HEIDI MILLER/PAUL BITTMENN; (4) APPROVE A ROAD DEDICATION IN THE VICINITY OF 1700 WEST AND INDUSTRIAL ROAD – GILBERT DEVELOPMENT; (5) APPROVE A RAW LAND LEASE AT THE AIRPORT – BLACKBURN MANAGEMENT LLC/RUSS VOLK; (6) APPROVE THE BID (PENDING MSC BUILDING PERMIT) FROM MEL CLARK, INC. IN THE AMOUNT OF \$218,542.75 FOR THE AVIATION WAY MTI IMPROVEMENT PROJECT – TREVOR MCDONALD; (7) APPROVE THE BID FROM PRECISION PIPELINE IN THE AMOUNT OF \$671,430.10 FOR THE AIRPORT ROAD SEWER REPLACEMENT PROJECT – TREVOR MCDONALD; (8) APPROVE THE GRANT MODIFICATION INCREASING THE UDOT GRANT BY \$9,000 AND THE CITY MATCH BY \$1,000 FOR RUNWAY 8/26 REHABILITATION PROJECT – RUSS VOLK; (9) APPROVE THE BID (PENDING MSC BUILDING PERMIT) AND CONTRACT FROM SCHMIDT CONSTRUCTION IN THE AMOUNT OF \$568,380 FOR CONSTRUCTION OF SYBERJET TAXILANE PROJECT – RUSS VOLK; (10) APPROVE THE BID AND CONTRACT FROM SCHMIDT CONSTRUCTION IN THE AMOUNT OF \$1,037,655 FOR CONSTRUCTION OF AIRPORT HELIPAD REPLACEMENT AND RUNWAY 8/26 REHABILITATION PROJECTS – RUSS VOLK; (11) APPROVE AN AGREEMENT WITH THE DEPARTMENT OF NATURAL RESOURCES FOR PARTIAL FUNDING OF A PRAIRIE DOG

FENCE AT THE CEDAR RIDGE GOLF COURSE – RICK HOLMAN; (12)
APPROVE DECLARING A GARBAGE TRUCK AS SURPLUS PROPERTY –
RYAN MARSHALL: Councilmember Marchant moved to approve the consent agenda items 1 through 12 as written; second by Councilmember Black; vote unanimous.

APPROVE A RESOLUTION AMENDING THE CITY'S GENERAL LAND USE
PLAN FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY
RESIDENTIAL ON PROPERTY LOCATED IN THE VICINITY OF 429 WEST
400 SOUTH – TOM PUGH/BRENT DREW: Black – this is just for that property only? Yes.

Councilmember Rowley moved to approve the resolution amending the City's General Land Use Plan from low density residential to high density residential on property located in the vicinity of 429 West 400 South; second by Councilmember Adams; roll call vote as follows:

AYE: 5
NAY: 0
ABSTAINED: 0

APPROVE AN ORDINANCE AMENDING THE ZONING FROM
RESIDENTIAL-2 (R-2) TO RESIDENTIAL-3 MULTI-FAMILY (R-3 MULTI-
FAMILY) ON PROPERTY LOCATED IN THE VICINITY OF 429 WEST 400
SOUTH – TOM PUGH/BRENT DREW: Black – did we receive any negative comments since last week meeting? No.

Councilmember Rowley moved to approve ordinance amending the zone from R-2 to R-3 on property located in the vicinity of 429 West 400 South; second by Councilmember Adams; roll call vote as follows:

Ron Adams - Aye
John Black - Aye
Paul Cozzens - Aye
Don Marchant - Aye
Fred Rowley - Aye

APPROVE A RESOLUTION REVISING THE FISCAL YEAR 2013-14 BUDGET
FOR FUNDING A PRAIRIE DOG FENCE AT THE CEDAR RIDGE GOLF
COURSE – RICK HOLMAN: Councilmember Black moved to approve the resolution revising the fiscal year 2013-14 budget for funding a prairie dog fence at the Cedar Ridge Golf Course; second by Councilmember Marchant; roll call vote as follows:

AYE: 5
NAY: 0
ABSTAINED: 0

**APPROVE A RESOLUTION GRANTING A PARTIAL WATER FEE WAIVER
FOR THE IRON COUNTY SCHOOL DISTRICT IN THE AMOUNT OF \$5,720 –**

RICK HOLMAN: Black – this is a one-time only? Rick – correct. Marchant – will we revisit this every year? Rick – we will talk more with the District to see if we want to look at something. Rowley – in full disclosure I am an employee of ICSD. Black I think we will find they will be very judicious in their watering. Marchant – if this is for Summer Games I think it will be an annual, so I think we are approving it this year and may have to do it again next year or a portion thereof. Rick – yes.


Councilmember Black moved to approve the resolution granting a partial waiver of water fees for the Iron County School District in the amount of \$5,720; second by Councilmember Cozzens; roll call vote as follows:

AYE: 4
NAY: 0
ABSTAINED: 1 Fred Rowley.

APPROVE THE FY 2014-15 TENTATIVE BUDGET – JASON NORRIS:

Councilmember Cozzens moved to approve the FY 2014-15 tentative budget; second by Councilmember Rowley; vote unanimous.

ADJOURN: Councilmember Marchant moved to adjourn at 6:22 p.m.; second by Councilmember Cozzens; vote unanimous.


Renon Savage, CMC
City Recorder

R918. Transportation, Operations, Maintenance.

R918-6. Maintenance Responsibility at Intersections, Overcrossings, and Interchanges between Class A Roads and Class B or Class C Roads.

R918-6-1. Authority.

Section 72-1-201 assigns to the Utah Department of Transportation general responsibility for the maintenance of the state transportation system, and directs the department to make policy and rules governing the same, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act. Sections 72-3-102, 72-3-103, and 72-3-104 assign maintenance responsibility for Class A Roads (state roads), Class B Roads (county roads), and Class C Roads (city streets), to the state, counties, and municipalities, respectively. Section 72-1-208 directs the department to cooperate with counties and municipalities in the maintenance of highways and allows the department to provide maintenance services to them under terms mutually agreed upon. Section 72-3-109 delineates the division of responsibilities for state highways within cities and towns. Section 72-6-105 provides that the department may enter into written agreements with counties and municipalities for the maintenance of any highway.

R918-6-2. Purpose and Background.

(1) The purpose of this rule is to assign maintenance responsibility between the department and the local government entity for roadway and roadside features at the intersection of state and local roads, including grade-separated interchanges, overcrossings, undercrossings, and at-grade intersections.

(2) In general, the department is responsible for the maintenance of all state roads, including roadside features associated with those roads, except as otherwise delineated in state law. Likewise, county and municipal governments are responsible for roads under their jurisdiction. Where state roads intersect with roads under local jurisdiction, confusion sometimes arises regarding the maintenance responsibility for specific features at those locations.

This rule is intended to clarify which jurisdiction has responsibility for which elements at those locations, and to address the large majority of such situations. Sometimes, however, unusual circumstances or geometry may render a logical division of responsibilities difficult. In those cases, formal agreements between the parties involved are appropriate and encouraged. The language in this rule was developed to encourage consistency regarding maintenance responsibilities between the department and local government. It is recognized the traveling public may benefit in some cases from deviations from the guidelines set forth in this rule to meet the capabilities and skills available individually at the department's maintenance sheds and/or local road departments. In such cases, Region Directors of the department and local officials should together evaluate the guidelines and deviate from them as necessary and as mutually agreed upon, to meet the needs of a specific situation. Open and frequent communication supported by a written agreement is strongly encouraged.

R918-6-3. Definitions.

For the purpose of this rule, the following definitions apply.

(1) "Local road" means any road under the jurisdiction of any

public entity other than UDOT. The entity may be a county, a municipality, or an agency of the federal government.

(2) "Overcrossing" means a grade-separated intersection where no access between the intersecting roadways is provided, and where the state road or interstate highway crosses over the local road.

(3) "Undercrossing" means a grade-separated intersection where no access between the intersecting roadways is provided, and where the state road or interstate highway crosses under the local road.

(4) "Grade-separated interchange" means an intersection where the state road or interstate highway and the local road are separated from each other by one or more structures, and where access between the two roads is provided by means of entrance and exit ramps.

(5) "At-grade intersection" means a surface street intersection that may be signalized or unsignalized, where one or more of the intersecting streets are state routes;

(6) "Department", or "UDOT", means the Utah Department of Transportation.

(7) "Full control of access", means access to adjoining land that is designated as no access or limited access by means of the right-of-way instrument.

R918-6-4. General Maintenance Responsibilities.

(1) Signal Systems. Maintenance responsibility for all signal systems on state roads, and components that are required for the functionality of those systems, belongs to UDOT. This includes detection and signing on the local legs of the intersection.

(2) Park Strips, Sidewalks, and Pedestrian Ramps. Maintenance responsibility for park strips and sidewalks, including that portion of pedestrian access ramps behind the curb, belongs to the local government. Replacement and upgrading as part of road improvement projects may be done by UDOT.

(3) Curb and Gutter. Maintenance responsibility for curb and gutter belongs to UDOT for state routes, and to the local government for local routes. UDOT responsibility on the local leg extends to the point of tangency of the curb radius.

(4) Snow Removal. Responsibility for snow removal from the roadway belongs to UDOT for state routes, and to the local government for local routes. UDOT is responsible for snow removal on ramps at interchanges on state routes.

(5) Pavement Maintenance. Responsibility for roadway pavement maintenance belongs to UDOT for state routes, and to the local government for local routes. This includes the pavement surface on or under bridges. For at-grade intersections, UDOT is responsible for pavement maintenance through the intersection, bounded by a line extending to the point of tangency of the edge of oil, or of the curb return if a curb exists, on the local leg. If the geometry of the approach is unusual, such as angled instead of rounded, UDOT responsibility shall extend to a point agreeable to both parties. In no case, however, shall UDOT responsibility extend beyond the right-of-way line. UDOT is responsible for pavement maintenance on ramps at interchanges on state routes.

(6) Traffic Islands. Responsibility for traffic islands belongs to UDOT for state routes, and to the local government for local routes. For at-grade intersections, UDOT is responsible for

island maintenance through the intersection. Maintenance responsibility for any landscaping within traffic islands is described in R918-6-4(15).

(7) Pavement Striping and Messages. Responsibility for pavement striping and marking belongs to UDOT for state routes, and to the local government for local routes. Local jurisdiction responsibility includes stop bars and crosswalks on the local legs of unsignalized intersections. At signalized intersections, UDOT is responsible for stop bars and crosswalks on all legs, and the local government is responsible for lane lines and other markings or messages on the local legs.

(8) Highway Lighting. Responsibility for maintenance, including payment of power bills, repairs and replacement when necessary, of highway lighting is divided as follows.

(a) UDOT is responsible for:

(i) mainline interstate, interchange, and underpass lighting;
(ii) cross street underpass lighting at interchanges with on/off ramps;

(iii) sign lighting on state routes or along the interstate corridor;

(iv) traffic signals on state routes or interstate corridor off ramps;

(v) un-signalized intersection lighting at on or off ramp intersecting cross street; and

(vi) signal-attached lighting at non-traditional signalized intersections, such as Diverging Diamond Interchanges (DDI), and Single Point Urban Interchanges (SPUI).

(b) Local government is responsible for:

(i) street lighting along state routes, other than interstate;
(ii) cross street underpass lighting where no interchange on or off ramps occur;

(iii) all decorative lighting requested by the municipality or county including street, bridge, and underpass lighting; and

(iv) lighting at traditional signalized intersections along state routes.

(9) Signs. Responsibility for signs belongs to UDOT for signs facing traffic on state routes, and to the local government for signs facing traffic on local routes, with the exception that UDOT is responsible for traffic control, route marker, junction, and guide signs associated with a state route but facing traffic on a local route. For STOP and YIELD signs on the local legs of unsignalized intersections, the local government is responsible for initial installation and non-safety critical maintenance such as minor vandalism, graffiti, or leaning, and UDOT is responsible for safety critical maintenance such as replacement of knock-downs. At signalized intersections, UDOT is responsible for signs mounted on the signal mast arm. UDOT will coordinate the installation of signs on local routes with the local agency prior to sign installation. The local government is responsible for street name signs, except those mounted on signal mast arms.

(10) Crash Cushions, Barrier, Etc. Responsibility for crash cushions, barrier, guardrail, and end treatments, belongs to UDOT for those elements protecting traffic on state routes, and to the local government for those protecting traffic on local routes.

(11) Sweeping. Responsibility for roadway sweeping belongs to UDOT for state routes, and to the local government for local routes. UDOT is responsible for sweeping on ramps at interchanges.

(12) Graffiti. Graffiti removal from structures is the responsibility of the entity having the best access to the graffiti. In general, that is the entity having jurisdiction of the road underneath the structure.

(13) Cattle Guards. UDOT provides cattle guards within the rural area of the State at all freeway access points to fully controlled access highways, either on the cross road or the entrance ramps, as necessary to meet the requirements of the particular location. Responsibility for maintenance of these cattle guards belongs to UDOT.

Where cattle guards exist along partially controlled access state roads, either across a local road or a private road, responsibility for maintenance of the cattle guard belongs to the local jurisdiction or to the private property owner.

(14) Weed Control. In accordance with Section 72-3-109, responsibility for weed control and mowing behind the curb or beyond the shoulder at at-grade intersections, both signalized and unsignalized, belongs to the local government. On facilities with full control of access, UDOT will be responsible for weed control and mowing to a point that ensures adequate sight distance.

(15) Decorative Landscaping. Responsibility for maintenance of landscaping beyond the baseline described in UDOT Aesthetics Guidelines, including irrigation systems, belongs to the local jurisdiction.

(16) Drainage Facilities such as catch basins, culverts, etc. In general, storm drain systems and culverts will be maintained by the owner of the drainage facility, unless otherwise stipulated in a cooperative agreement. Catch basins and their connector pipes at intersections will be maintained by the entity having jurisdiction for the road.

R918-6-5. Maintenance Responsibility at Overcrossings and at Interchanges where the State Route Crosses Over the Local Route.

- (1) UDOT is responsible for:
 - (a) maintenance, repairs, and replacement of all structure elements, including decks, parapets, bent caps, beams, columns, footings, abutments, approach slabs, and slope protection;
 - (b) maintenance of drains on the structure;
 - (c) maintenance of retaining walls;
 - (d) fence maintenance on the structure and its approaches and ramps; and
 - (e) vegetation control, including mowing, along the state route, as demarcated by access control or Right-of-Way fencing.
- (2) The local jurisdiction is responsible for:
 - (a) maintenance of drainage under the structure;
 - (b) vegetation control, including mowing, along the local route, as demarcated by access control or Right-of-Way fencing; and
 - (c) maintenance of decorative landscaping beyond the UDOT Aesthetics Guideline baseline, as described in R918-6-4(15).
- (3) If the local entity proposes a pavement treatment that would decrease vertical clearance under the structure to less than the current standard, such work shall be done in consultation with UDOT.

R918-6-6. Maintenance Responsibility at Undercrossings and at Interchanges where the State Route Crosses Under the Local Route.

- (1) UDOT is responsible for:
 - (a) major structure maintenance, including repair or replacement of parapets, bent caps, beams, columns, footings, abutments, approach slabs, and slope protection;
 - (b) deck maintenance where necessary to preserve the structural integrity of the bridge such as where the rebar is exposed;
 - (c) maintenance of retaining walls;
 - (d) maintenance of drainage under the structure;
 - (e) vegetation control, including mowing, along the state route, as demarcated by access control or Right-of-Way fencing; and
 - (f) fence maintenance under the structure.
- (2) The local jurisdiction is responsible for:
 - (a) minor deck and parapet maintenance which includes maintenance of the wearing surface down to the first mat of reinforcing steel, and of any bituminous surfacing above that. This maintenance should include preventive sealing as well as repair of spalls and delaminations. If UDOT performs a deck rehabilitation project involving pothole patching, waterproofing membrane and asphalt overlay, the responsibility to maintain the asphalt wearing surface would also default to the local owner upon completion of the initial installation. If the local entity proposes a deck treatment that would add static load to the structure, such work shall be done in consultation with UDOT;
 - (b) maintenance of drains on the structure;
 - (c) fence maintenance on the structure and its approaches;
 - (d) vegetation control, including mowing, along the local route, as demarcated by access control or Right-of-Way fencing; and
 - (e) maintenance of decorative landscaping beyond the UDOT Aesthetics Guideline baseline, as described in R918-6-4(15).

KEY: maintenance, intersections, interchanges, structures
Date of Enactment or Last Substantive Amendment: August 20, 2012
Authorizing, and Implemented or Interpreted Law: 72-1-201; 72-1-208; 72-3-102; 72-3-103; 72-3-104; 72-3-109; 72-6-105.

